IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

MONDAY, THE 24TH SEPTEMBER 2007 / 2ND ASWINA 1929

CRP.No. 823 of 2007()

AGAINST THE ORDER DATED 09/01/2007 IN EP.56/03 IN LAR.256/1993 of PRINCIPAL SUB COURT,KOLLAM

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REVN. PETITIONER: PETITIONER/CLAIMANT

NARAYANI BHAVANI, VAZHAVILA VEEDU,
THAZHAM, CHATHANNOOR.

BY ADV. SRI.ALEX N.MATHEW (KOLLAM)
SRI.H.RAMANAN
SRI.JAMES JOSE

RESPONDENT:

THE DISTRICT COLLECTOR,
KOLLAM.

BY GOVT. PLEADER SRI. K.G. BHASKAR

THIS CIVIL REVISION PETITION HAVING COME UP FOR ADMISSION ON 24/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

M.N.Krishnan, J.

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C.R.P.No.823 of 2007

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Dated this the 24th day of September, 2007.

ORDER

This revision petition is preferred against the order closing the E.P. on the ground that the decree holder has not filed any objection to the statement filed by the judgment debtor. The approach of the court below is that "Hence I am of the view that no balance amount left." This is an incorrect order. When statements are filed it is the duty of the court to verify and find out whether there is any balance due and pass orders in accordance with law.

2. Therefore, the order suffers from infirmity. It is set aside and the matter is remitted back to the subordinate Judge's Court to find out whether there is any balance due and pass orders in accordance with law.

Civil Revision Petition is disposed of as above.

M.N.Krishnan,
Judge

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